

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendants, David Carpenter and Tammy Carpenter.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to Indiana Code § 24-5-0.5-4(c)(1), the Defendants, David Carpenter and Tammy Carpenter, their agents, representatives, employees, successors and assigns are permanently enjoined from engaging in the following:

- a. representing, expressly or by implication, the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have, which the Defendants know or reasonably should know it does not have; and
- b. representing, expressly or by implication, the Defendants are able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendants know or reasonably should know they cannot.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is entered for the Plaintiff, State of Indiana, and against the Defendants, David Carpenter and Tammy Carpenter, as follows:

- a. The contracts previously entered into by the Defendants with consumers, Jody Johnson, Cheryl Freimuth, John Michael Wallace, Michelle Kruse, Deborah Watts, Mark Bradtmueller, Sharon Watson, Greg Paradise, Chris Geiser, Vicky Hommedieu, Alan Fox, Nicole Borchett, Mike Marcum, Darrell Warner, Kris Zuber, James Koehl, Annette Swank, Jeffrey

VanAllen, Laura Heimann, Tammy Fonner, Nanette Montalone, Celo

Thompson and Robert DePew; are cancelled pursuant to Ind. Code § 24-5-0.5-4(d);

- b. The Defendants shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), in the total amount of Six Hundred Twenty-Five Dollars and Fifty Cents (\$625.50), payable to the Office of the Attorney General, for allocation and distribution to the following consumers in the following amounts:

1.	Vicky Hommedieu of Spencerville, IN	\$	50.00;
2.	Alan Fox of Auburn, IN	\$	48.00;
3.	Nicole Borchett of New Haven, IN	\$	45.00;
4.	Darrell Warner of Auburn, IN	\$	45.00;
5.	Kris Zuber of Fort Wayne, IN	\$	50.00;
6.	James Koehl of Auburn, IN	\$	50.00;
7.	Annette Swank of Auburn, IN	\$	50.00;
8.	Jeffrey VanAllen of Harlan, IN	\$	50.00;
9.	Laura Heimann of Auburn, IN	\$	50.00;
10.	Tammy Fonner of Spencerville, IN	\$	37.50;
11.	Nanette Montalone of Hunterstown, IN	\$	50.00;
12.	Celo Thompson of Fort Wayne, IN	\$	50.00; and
13.	Robert DePew of Auburn, IN	\$	<u>50.00.</u>
TOTAL		\$	625.50

- c. The Defendants shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the amount of Nine Hundred and Sixty Dollars (\$960.00).
- d. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for the Defendants' knowing violations of the Deceptive Consumer Sales Act, in the amount of Six Thousand Five Hundred Dollars (\$6,500.00), payable to the State of Indiana.

- e. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-8 for the Defendants' intentional violations of the Deceptive Consumer Sales Act, in the amount of Six Thousand Five Hundred Dollars (\$6,500.00), payable to the State of Indiana.

A total monetary judgment in the amount of Fourteen Thousand Five Hundred Eighty-Five Dollars and Fifty Cents (\$14,585.50) shall therefore be entered in favor of the Plaintiff, State of Indiana, and against the Defendants, David

Carpenter and Tammy Carpenter, individually and doing business as C & C Container Service.

The Case Management Conference set for 12/19/06 is vacated.

ALL ORDERED, ADJUDGED AND DECREED on this 12 day of

December, 2006.


Judge, Allen Superior Court

DISTRIBUTION:

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